

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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DEC 19 1991

In the Matter of

**Review of the Policy Implications
of the Changing Video Marketplace**

To: The Commission

) Federal Communications Commission
) Office of the Secretary
) **MM Docket No. 91-221**

REPLY COMMENTS

In accordance with Section 1.415 of the rules and regulations of the Federal Communications Commission ("Commission" or "FCC"), 47 C.F.R. § 1.415, the Land Mobile Communications Counsel ("LMCC") hereby submits these Reply Comments in connection with the above-captioned proceeding.

1. LMCC is a non-profit association of organizations representing users of land mobile radio and providers of land mobile services and equipment. LMCC is dedicated to securing and maintaining sufficient allocations of radio frequencies for the land mobile radio services in order to meet the immediate and long-term requirements of all land mobile radio users. In this capacity, LMCC acts on behalf of the vast majority of public safety, business, industrial, land transportation, private, common carrier, and land mobile radio users, as well as a diversity of land

mobile service providers and equipment manufacturers.^{1/}

2. In this proceeding, the Commission has initiated a broad inquiry into the policy implications associated with the various changes which have taken place in the video marketplace. A number of factors are cited, including the increasing competition in, and fragmentation of the video marketplace. Also cited were technology advances (such as digital compression techniques). The

^{1/} A list of LMCC's membership includes:

American Association of State Highway and
Transportation Officials
American Automobile Association
American Petroleum Institute
American Mobile Telecommunications Association
American Trucking Associations
Association of American Railroads
Associated Public-Safety Communications
Officers, Inc.
Cellular Telecommunications Industry Association
Forest Industries Telecommunications
Forestry-Conservation Communications Association
International Association of Fire Chiefs
International Association of Fish and Wildlife
Agencies
International Municipal Signal Association
International Taxicab and Livery Association
Manufacturers Radio Frequency Advisory Committee
National Association of Business and
Educational Radio, Inc.
National Association of State Foresters
Special Industrial Radio Service Association, Inc.
Telecommunications Industry Association
Telocator Network of America
Utilities Telecommunications Council

Notice of Inquiry also noted that broadcasters' competitors can rely on additional revenue sources beyond advertising. The Notice further referenced the rapid increase in the availability of national programming.

3. The Notice cites a recent internal FCC study which recommended the elimination of the broadcast multiple ownership and network cross-ownership rules. The study also recommended that the duopoly rules be eliminated and that Congressional authority be sought for the relaxation of the cable-broadcast crossownership prohibition. Other recommendations were also made which would, in general, relax or remove certain regulatory restrictions applying to broadcasters.

4. The Notice of Inquiry called for comments on these recommendations and for any other comments which may be pertinent to the changing video marketplace. The commenting parties, for the most part, submitted filings along these requested lines. The broadcasters, for example, concurred that their respective situations were as dire as portrayed in the Notice and called for immediate regulatory relief which would enable them better to respond to the increased competition they face from non-broadcast video providers. Cable interests, however, disagreed that the

broadcasters' loss of market share is as severe as portrayed. Instead, cable companies urged the Commission to lift certain current restrictions applicable to cable so that these entities may enter broader ranges of telecommunications. Broadcasters took the contrary view that this restriction is vitally in their interest and urged its retention.

5. The National Telephone Cooperative Association ("NTCA") described the significant role of fiber in delivering multichannel video service and recognized the important new services emerging under the umbrella term of Personal Communications Service ("PCS"). These services, as NTCA points out, utilize air waves. The same point was echoed by Motorola Inc., which urged the Commission to broaden the scope of the proceeding.

6. LMCC concurs that the Commission's inquiry into the changing video marketplace should be broadened to examine larger spectrum management issues. While it is appropriate for the Commission to examine the need to foster greater competitiveness between broadcasters and other video providers, this issue must be balanced against the pressing spectrum requirements of traditional land mobile radio services and emerging mobile telecommunications services

such as PCS. In these latter cases, there is no non-spectrum alternative. In the case of broadcast, however, the comments reflect significant alternatives including cable and fiber technologies. The need for spectrum for mobile telecommunications services of the future is critical and already is the subject of ongoing Commission proceedings. See, e.g., Comments and Reply Comments of LMCC in connection with Gen. Docket No. 85-172 ("UHF Sharing Proceeding"), 101 FCC 2d 852 (1985); and Gen. Docket No. 90-314 ("PCS Inquiry").

7. In view of the documented spectrum needs of the land mobile communications services, LMCC suggests that the captioned Inquiry include more than a simple examination of regulatory policies which could be changed in order to foster greater competitiveness of broadcasters vis-a-vis cable and other video providers. The Inquiry should be expanded to examine whether changes in the video marketplace call into question the ongoing relevance of the current scheme (and quantity) of spectrum allocated for terrestrial broadcasting services.

8. The marketplace has sent a clear message: the American public has chosen to receive video entertainment by alternative means. Consumers are now presented with far

more choices in the delivery of video entertainment than were ever envisioned by the Commission when significant amounts of spectrum initially were allocated for terrestrial broadcasting purposes. Further advancements in delivery technology undoubtedly will accelerate this trend in the future.

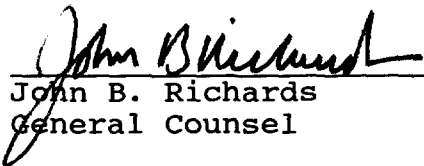
9. Today, the underlying premise for huge spectrum allocations for terrestrial broadcasting has largely disappeared. This spectrum is now more urgently needed elsewhere -- and should be reallocated to the dramatic growth area of mobile telecommunications. In so doing, the Commission would enable consumers to benefit from the productivity and convenience of mobile communications while continuing to preserve a diversity of video programming services from a number of alternative sources.

WHEREFORE, THE PREMISES CONSIDERED, the Land Mobile Communications Council respectfully requests the Federal

Communications Commission to act in a manner fully
consistent with the foregoing statement.

Respectfully submitted,

**LAND MOBILE COMMUNICATIONS
COUNCIL**

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